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Claim Amendments

Claims 1-38 (Canceled).

Claim 39 (Currently Amended). A method for conditionally activating a transgene in a plant comprising:

- 1) providing constructs comprising:
 - a) a first recombinase element having the general structure P1-R1;
 - b) a second recombinase element the having general structure P2-RS1-STP-RS1-R2;
 - c) a third recombinase element having the general structure P3-RS2-STP-RS2-TG1; and
 - d) a fourth recombinase element having the general structure P4-RS2-STP-RS2-TG2;

wherein:

- (i) P1 is a first germline promoter;
- (ii) R1 is a first recombinase coding sequence and 3' region;
- (iii) RS1 is a first recombinase site responsive to a first recombinase;
- (iv) P2 is a second floral germline promoter;
- (v) RS2 is a second recombinase site responsive to a second recombinase;
- (vi) STP is a stop fragment;
- (vii) R2 is a second recombinase coding sequence and 3' region;
- (viii) TG1 is a first transgene sequence and 3' region;
- (ix) TG2 is a second transgene sequence and 3' region;
- (ix) P3 is a third promoter which is not expressed in floral tissue and;
- (xi) P4 is a fourth promoter which is not expressed in floral tissue and ;

wherein P1, P2, P3 and P4 are operably linked to their down stream elements and wherein TG1 and TG2 are different trait transgenes and wherein P3 and P4 are activated in a second generation plant;

- 2) providing a first and second plant selected from the group consisting of:
 - a) a first plant comprising the first and third recombinase elements and a second plant comprising the second and fourth recombinase elements;
 - b) a first plant comprising the first and fourth recombinase elements and a second plant comprising the second and third recombinase elements;

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- 3) crossing the first and second plants to produce a first generation plant wherein conditional expression of the first recombinase coding sequence (R1) under the control of the P1 promoter in the common germline of the first generation, excises the stop fragment from the second recombinase element allowing expression of the second recombinase coding sequence and 3' region (R2) under the control of P2 promoter, which recombinase, in turn, excises the stop fragments from the third and fourth recombinase elements, permitting expression of the trait gene(s) TG1 and TG2 under the control of P3 and P4 promoter, respectively, in the second generation.

Claims 40-42 (Canceled)

Claim 43 (Currently Amended). A method according to either of Claims 83 or 84 where the first promoter is inducible and responsive to an inducing agent.

Claims 44-80 (Canceled).

Claim 81 (Currently Amended). A method for conditionally activating a transgene in plant somatic tissue of second generation plant comprising:

- 1) providing constructs comprising:
 - a) a first recombinase element having the general structure P1-R1;
 - b) a second recombinase element having the general structure P2-RS1-STP-RS1-R2;
 - c) a third recombinase element having the general structure P3-RS2-STP-RS2-TG;

wherein:

- (i) P1 is a first germline promoter;
- (ii) R1 is a first recombinase coding sequence and 3' region;
- (iii) RS1 is a first recombinase site responsive to a first recombinase;
- (iv) P2 is a second floral germline promoter;
- (v) RS2 is a second recombinase site responsive to a second recombinase;
- (vi) STP is a stop fragment;
- (vii) R2 is a second recombinase coding sequence and 3' region;

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- (viii) TG is a transgene sequence and 3' region which encodes a somatic trait; and
- (viii) P3 is a third promoter, which is expressed at least in somatic tissue;

wherein P1, P2 and P3 are operably linked to their down stream elements, and P1, P2 and P3 are expressed only in non floral tissue and wherein the temporal expression specificity of each promoter is such that the activation of P2, driving expression of R2, occurs concomitantly with or after P1, driving expression of R1, and the activation of P3, driving expression of TG, occurs in somatic tissues of second generation progeny plants. concomitantly with or after P2, driving expression of R2;

- 2) providing a transgenic plant by a genetic cross or transformation comprising the first, second and third recombinase elements;
- 3) activating or inducing P1 such that the R1 recombinase coding sequence is expressed in a first generation plant, wherein expression of R1 excises the stop fragment from the second recombinase element;
- 4) activating P2 such that R2 is expressed, wherein expression of R2 excises the stop fragment from the third recombinase element allowing expression of the transgene in somatic tissues of the progeny plants. the first and all subsequent generations of plants.

Claim 82 (Currently Amended). A method for conditionally activating a transgene in a second generation plant comprising:

- 1) providing constructs comprising:
 - a) a first recombinase element having the general structure P1-R1;
 - b) a second recombinase element having the general structure P2-RS1-STP-RS1-R2;
 - c) a third recombinase element having the general structure P3-RS2-STP-RS2-TG;

wherein:

- (i) P1 is a first germline promoter;
- (ii) R1 is a first recombinase coding sequence and 3' region;
- (iii) RS1 is a first recombinase site responsive to a first recombinase;
- (iv) P2 is a second floral specific promoter;
- (v) RS2 is a second recombinase site responsive to a second recombinase;
- (vi) STP is a stop fragment;
- (vii) R2 is a second recombinase coding sequence and 3' region;

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(viii) TG is a transgene sequence and 3' region; and
(~~vii~~ix) P3 is a third promoter which is not expressed in floral tissue;
wherein P1, P2 and P3 are operably linked to their down stream elements, and
wherein the temporal expression specificity of each promoter is such that the activation of P2,
driving expression of R2, occurs concomitantly with or after P1, driving expression of R1, in
the first generation common germline cells and the activation of P3, driving expression of TG,
occurs in the second generation;

- 2) providing a transgenic plant comprising the first, second and third recombinase elements;
- 3) activating P1 such that the R1 recombinase coding sequence is expressed in the common germline of a first generation plant, wherein expression of R1 excises the stop fragment from the second recombinase element;
- 4) activating P2 such that R2 is expressed in the flower of the first generation plant, wherein expression of R2 excises the stop fragment from the third recombinase element allowing expression of the transgene in the second and all subsequent generations of plants.

Claim 83 (Currently Amended). A method for conditionally activating a transgene in somatic tissue of second generation plant comprising:

- 1) providing constructs comprising:
 - a) a first recombinase element having the general structure P1-R1;
 - b) a second recombinase element having the general structure P2-RS1-STP-RS1-R2;
 - c) a third recombinase element having the general structure P3-RS2-STP-RS2-TG;

wherein:

- (i) P1 is a first germline promoter;
- (ii) R1 is a first recombinase coding sequence and 3' region;
- (iii) RS1 is a first recombinase site responsive to a first recombinase;
- (iv) P2 is a second floral germline promoter;
- (v) RS2 is a second recombinase site responsive to a second recombinase;
- (vi) STP is a stop fragment;
- (vii) R2 is a second recombinase coding sequence and 3' region;
- (viii) TG is a transgene sequence and 3' region which encodes a somatic trait; and
- (~~ix~~vi) P3 is a third promoter; which is expressed at least in somatic tissue;

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wherein P1, P2 and P3 are operably linked to their down stream elements, and wherein the temporal expression specificity of each promoter is such that the activation of P2, driving expression of R2, occurs concomitantly with or after P1, driving expression of R1, and the activation of P3, driving expression of TG, occurs concomitantly with or after P2, driving expression of R2;

- 2) providing a transgenic plant comprising the third recombinase element;
- 3) transforming the transgenic plant of (2) with either the first recombinase element to generate a first plant or the second recombinase element to generate a second plant;
- 4) crossing the first and second plants such that expression of R1 is expressed and excises the stop fragment from the second recombinase element allowing expression of R2 under the control of P2 which, in turn, excises the stop fragment from the third recombinase element, permitting expression of the trait gene(s) under the control of P3 in the first and subsequent generation(s).

Claim 84 (Currently Amended). A method for conditionally activating a transgene in a second generation plant comprising:

- 1) providing constructs comprising:
 - a) a first recombinase element having the general structure P1-R1;
 - b) a second recombinase element having the general structure P2-RS1-STP-RS1-R2;
 - c) a third recombinase element having the general structure P3-RS2-STP-RS2-TG;

wherein:

- (i) P1 is a first germline promoter;
- (ii) R1 is a first recombinase coding sequence and 3' region;
- (iii) RS1 is a first recombinase site responsive to a first recombinase;
- (iv) P2 is a second floral specific promoter;
- (v) RS2 is a second recombinase site responsive to a second recombinase;
- (vi) STP is a stop fragment;
- (vii) R2 is a second recombinase coding sequence and 3' region;
- (viii) TG is a transgene sequence and 3' region; and
- (~~vii~~ix) P3 is a third promoter which is not expressed in floral tissue;

wherein P1, P2 and P3 are operably linked to their down stream elements, and wherein the temporal expression specificity of each promoter is such that the activation of P2, driving expression of R2, occurs concomitantly with or after P1, driving expression ~~if of~~ R1 in the first generation common germline cells and the activation of P3, driving expression of TG, occurs in the second generation;

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- 2) providing a transgenic plant comprising the third recombinase element;
- 3) transforming the transgenic plant of (2) with either the first recombinase element to generate a first plant or the second recombinase element to generate a second plant;
- 4) crossing the first and second plants such that expression of R1, under the control of P1 in the common germline of the first generation, excises the stop fragment from the second recombinase element allowing expression of R2 under the control of P2 in the flower of the first generation plant which, in turn, excises the stop fragment from the third recombinase element, permitting expression of the trait gene(s) under the control of P3 in the second and subsequent generation(s).

Claim 85 - 86 (Canceled).

Claim 87 (New). A method for conditionally activating a transgene in a plant comprising:

- 1) providing constructs comprising:
 - a) a first recombinase element having the general structure P1-R1;
 - b) a second recombinase element having the general structure P2-RS1-STP-RS1-R2;
 - c) a third recombinase element having the general structure P3-RS2-STP-RS2-TG;

wherein:

- (i) P1 is a first common germline promoter;
- (ii) R1 is a first recombinase coding sequence and 3' region;
- (iii) RS1 is a first recombinase site responsive to a first recombinase;
- (iv) P2 is a second germline promoter, which is not expressed in seed
- (v) RS2 is a second recombinase site responsive to a second recombinase;
- (vi) STP is a stop fragment;
- (vii) R2 is a second recombinase coding sequence and 3' region;
- (viii) TG is a transgene sequence and 3' region, which encodes a seed trait; and
- (vi) P3 is a third promoter, which is seed-specific;

wherein P1, P2 and P3 are operably linked to their down stream elements, and wherein the temporal expression specificity of each promoter is such that the activation of P2, driving

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expression of R2, occurs concomitantly with or after P1, driving expression of R1, and the activation of P3, driving expression of TG, occurs in progeny seed;

- 2) providing a transgenic plant by a genetic cross or transformation comprising the first, second and third recombinase elements;
- 3) activating or inducing P1 such that the R1 recombinase coding sequence is expressed in a first generation plant, wherein expression of R1 excises the stop fragment from the second recombinase element resulting in expression of the second recombinase coding sequence in floral common germline;
- 4) activating P2 such that R2 is expressed, wherein expression of R2 excises the stop fragment from the third recombinase element allowing expression of TG in progeny seed.